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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/586,722
Filing Date: June 05, 2000
Appellant(s): MCLEAN ET AL.

MAILED

JUL 23 2007

GROUP 3600

David Alberti (Reg. No. 43,465)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 25, 2007 appealing from the Office
action mailed January 31, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,321,205	EDER	11-2001
6,944,777	BELANI	9-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (U.S. 6,321,205) and Belani et al. (U.S. 6,944,777).

As per claim 1, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in

Art Unit: 3623

which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, a first outcome for the value stream of the business enterprise based upon the assumed variables (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.); and

determining a second outcome for the value stream of the business enterprise taking into account the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-15; The system allows the user to generate changes in the variables when performing the calculations.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col.

Art Unit: 3623

8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable as taught by Belani et al. because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 2, Eder discloses the method according to claim 1, wherein the first outcome includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 3, Eder discloses the method according to claim 1, wherein the first outcome includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 4, Eder discloses the method according to claim 1, further comprising:

enabling each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (abstract; col. 20,

lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

storing, for each altered assumed variable, an identification of the user who made the alteration (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.); and

determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing each of a plurality of users to alter the assumed variables based on a level of authorization of each of the users and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-

47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 5 and 18, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

storing each altered assumed variable in the data structure in association with an identifier of the user who made the alteration, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the altered assumed variables and selected ones of the assumed variables of the base case scenario in accordance with the stored identifiers to form one or more alternate scenarios (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.); and

determining, by use of the computer system, an outcome for the value stream of the business enterprise based upon each of the alternate scenarios (col. 6, lines 44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources

Art Unit: 3623

includes an inheritance in which resources at a higher level are considered as “parent nodes” to resources at a lower level in the hierarchy called “child nodes” and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claims 8 and 21, Eder discloses the method according to claims 5 and 18, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 9, Eder discloses the method according to claim 8, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 10, Eder discloses a computer-implemented method of processing data relating to the performance of a business enterprise in creating value, comprising:

developing a data structure, by use of a computer system, including a plurality of assumed variables that have an influence on a value stream of the business enterprise, the data structure having a portion which defines a base case scenario for the business enterprise (col. 11, lines 15-63; The “Value of current-operation” is comprised of

Art Unit: 3623

components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the assumed variables of the base case scenario (col. 12, lines 1-30; The component values are calculated to determine the operation value.);

providing real-time feedback, by each of a plurality of users, on the value creation performance of the business enterprise (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

storing the real-time feedback in the data structure in association with an identifier of the user who provided each portion of the feedback, and maintaining the assumed variables of the base case scenario unchanged by the plurality of users (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; Figures 4, 5A, 5B and 16; Users can track the changes they make in the system over time. User input is also stored in databases.);

aggregating selected ones of the portions of the feedback and selected ones of the assumed variables of the base case scenario (col. 11, lines 36-52; Resulting values can be added together to form alternate scenarios.);

determining, by use of a computer system, an outcome for the value stream of the business enterprise based upon the selected ones of the portions of the feedback and the selected ones of the assumed variables of the base case scenario (col. 6, lines

Art Unit: 3623

44-64; col. 20, lines 18-22; Figure 1; The system determines alternate outcomes based on the altered data.).

Eder does not expressly disclose selectively authorizing a plurality of users to provide real-time feedback on the value creation performance of the business enterprise based on a level of authorization of each user, wherein only certain levels of authorization are permitted to provide real-time feedback. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 11, Eder discloses the method according to claim 10, wherein the assumed variables are arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables

positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.).

Eder does not expressly disclose authorizing a plurality of users to alter one or more of the assumed variables based on a level of authorization of each user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 12, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 13, Eder discloses the method according to claim 10, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 14, Eder discloses a system for processing data relating to the performance of a business enterprise in creating value, comprising:

a memory device for storing a data structure including assumed variables that have an influence on a value stream of the business enterprise, the assumed variables in said data structure being arranged in a multi-level hierarchy in which assumed variables positioned at a lower level in the hierarchy influence one or more assumed variables positioned at a higher level in the hierarchy (col. 11, lines 15-63; The "Value of current-operation" is comprised of components revenue, expense and capital, which are further comprised of sub-components. Thus, the sub-components influence the components, which influence the value of current-operation.);

means for authorizing a user to alter one or more of the assumed variables according to a level of the hierarchy in which the assumed variables are positioned (col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Users can alter the variables when performing the calculations.);

a filter for selecting certain ones of the assumed variables and for selecting certain ones of the altered assumed variables (col. 12, lines 44-67; col. 16, lines 24-27; Figures 5A and 5B; The system selects certain variables for analysis and based on certain criteria may prompt the user for additional or altered data.); and

a calculation engine for receiving the certain ones of the assumed variables and the certain ones of the altered assumed variables from the filter and for determining an outcome for the financial value stream of the business enterprise based upon the certain ones of the assumed variables and the certain ones of the altered assumed variables (col. 6, lines 44-64; col. 23, lines 12-24; The system calculates the received variables and compares them with previously specified variables.).

Eder does not expressly disclose authorizing a user to alter one or more of the assumed variables based on a level of authorization of the user and a level of the hierarchy in which the assumed variables are positioned, wherein different levels of authorization have access to different levels of assumed variables. Belani et al. discloses controlling access to resources on a network based on a level of authorization of a user (col. 9, lines 31-40) and the level in the hierarchy in which a resource is in (col. 8, lines 21-31), where different levels of authorization have access to different levels of resources (col. 9, lines 1-4 and 11-24). The hierarchy of resources includes an inheritance in which resources at a higher level are considered as "parent nodes" to resources at a lower level in the hierarchy called "child nodes" and child nodes inherit the access list, or authorization levels of users, from their parent nodes (col. 8, lines 45-47 and 65-67). Therefore, at the time of the invention it would have been obvious to a

Art Unit: 3623

person of ordinary skill in the art for the system of Eder to incorporate access control of its variables in its data processing system by granting authorization levels to each user for each assumed variable because doing so ensures that only users with the proper permission have access to the variables, thus maintaining the integrity of the data within the system.

As per claim 15, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a present financial value of the value stream (col. 12, lines 1-30; Revenue, expense and capital are indicative of financial value.).

As per claim 16, Eder discloses the system according to claim 14, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

As per claim 17, Eder discloses the system according to claim 14, further comprising:

means for authorizing each of a plurality of users to alter the assumed variables according to a level of the hierarchy in which the assumed variables are positioned, wherein for each altered assumed variable, an identification of the user who made the alteration is stored in the data structure (abstract; col. 20, lines 14-22; col. 21, line 34-col. 22, line 8; Figure 5A; Users can alter the variables when performing the calculations.);

means for determining alternate outcomes for the value stream of the business enterprise taking into account selected aggregations of the altered assumed variables

Art Unit: 3623

wherein the selected aggregations are formed according to the stored identifications (col. 6, lines 44-64; col. 8, lines 1-30; col. 9, line 53-col. 10, line 1; col. 10, lines 6-18; col. 20, lines 18-22; Figure 1, 4, 5A, 5B and 16; The system determines alternate outcomes based on the altered data. Users can track the changes they make in the system over time. User input is also stored in databases.).

As per claim 22, Eder discloses the method according to claim 18, wherein the outcome of the base case scenario includes a non-financial metric (col. 19, lines 27-30; Figure 5B; The first outcome can also include non-financial data.).

(10) Response to Argument

Appellant's arguments have been fully considered, but are found unpersuasive.

In the Remarks, Appellant argues the following:

1) the Patent and Trademark Office has already conceded (*in a different application, 09/574,569*) that Eder bears little relation to the subject matter of the present application (page 4 of Appeal Brief);

2) that Eder does not disclose the financial value streams of the present invention (page 6 of Appeal Brief);

3) that Eder does not disclose assumed variables that are tied to at least one future or past event (page 8 of Appeal Brief);

4) that Belani does not disclose access control for assumed variables or any resource that is comparable to assumed variables (page 9 of Appeal Brief);

5) that the combination of Belani and Eder produces a system that is inoperative and fatally flawed (page 10 of Appeal Brief); and

6) that the combination of Belani and Eder does not produce a system allowing a user to provide real-time feedback (page 14 of Appeal Brief).

In response to argument 1), Examiner respectfully submits that ***the claims of related application 09/574,569 ('569) are not the same as the present application.*** In fact, the claims have been identified by the Patent and Trademark Office as being different enough to be classified in different subclasses involving different patentable subject matter. Accordingly, the arguments Appellant makes surrounding related application '569 are more limiting than what is claimed in the instant application. For example, at the bottom of page 4 in the Appeal Brief, Appellant asserts that in the related application '569, he made the argument that Eder does not deal with future financial value streams, which the Examiner of related application '569 found persuasive. However, Examiner respectfully submits ***that nowhere in the claims of the instant application is a future financial value stream even claimed.*** Thus, Examiner respectfully submits, the actions taken by another Examiner in related application '569 should actually bear little weight to the present application.

In response to argument 2), Examiner respectfully disagrees. Examiner also respectfully submits that the only independent claim to recite a financial value stream is

Art Unit: 3623

claim 14. Thus, the value streams of the remainder of independent claims need not be financial. The citation of the Office Action Appellant refers to at the bottom of page 6 of the Appeal Brief is part of the rejection of claim 1, which does not recite **financial** value streams anywhere. Turning to the rejection of claim 14, Examiner respectfully submits Eder does disclose financial value streams in col. 6, lines 44-64, where Eder discloses providing a user with the ability to track changes in elements of business value and total business value over time by comparing current valuations to previously calculated valuations. The tracking of business valuation includes tracking financial performance based on user-specified changes in value drivers. Col. 23, lines 12-24 provides a more specific example of calculating a financial value stream representative of the weighted average cost of capital for the business, where the user is allowed to change the elements that make up the weighted average cost of capital and compare the current calculated value with previously calculated values. Additionally, col. 10, lines 41-53 and Table 3 in col. 11, disclose a formula for a financial value stream called "value of current operation" comprised of the elements of revenue value, expense value and capital value. Finally, Examiner respectfully submits that Appellant refers to examples in the Specification to clarify what is meant in the claims by financial value stream while such specificity is lacking in the claims (see page 7 of Appeal Brief). Appellant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Examiner respectfully submits Eder does disclose financial value streams.

In response to argument 3), Examiner respectfully disagrees. First, Examiner respectfully submits that she has applied the broadest reasonable interpretation to the term, event, since a specific definition has not been supplied in the claims. Accordingly, Examiner submits that a value stream element as disclosed by Eder can represent an event as all elements associated with a value stream must be converted into some type of value or variable in order to be applied to a value stream formula or model for calculation. For example, in col. 11, lines 37-63 and Table 4, Eder discloses that "an element of value" is an identifiable entity or group that as a result of *past transactions* has provided and is expected to provide economic benefit to the enterprise. Thus, an element of value, which is a component of a value stream, represents an event that affects the value stream, where the event is related to a past transaction. Additionally, in col. 13-16, Eder shows Tables 5-11, which represent data that affect the values/variables used to calculate the various value streams for the enterprise, where the data represents events. For example, Table 5 shows the various accounts for the enterprise and whether the accounts have increased or decreased debt and increased or decreased credit related to the enterprise, all of which are events associated with the enterprise. As another example, Table 7 shows data associated with vendors, where the data also represents events such as vendor compliance with ISO standards, deliveries rejected, and lead time required for purchases, etc. Accordingly, Examiner respectfully submits Eder does disclose assumed variables that are tied to at least one future or past event.

Art Unit: 3623

In response to argument 4), Examiner respectfully disagrees. According to Appellant's disclosure on pages 8-9 and 24-25 in the Specification, the assumed variables are data stored and maintained as a matrix in a database. Belani et al. discloses in col. 4, lines 61-63 and col. 7, lines 6-9, authorizing access to information resources such as data stored in files, databases or other data storage means and where access operations include read, write, publish, edit, delete, update, etc. Examiner respectfully submits Belani et al.'s information resource example of a file is comparable to Appellant's matrix since both are representative of data stored in a storage means. Thus, there is no patentable distinction between Appellant's access control of the matrix of assumed variables and Belani et al.'s access control of a file. Therefore, Examiner respectfully submits Belani does disclose access control for assumed variables or any resource that is comparable to assumed variables.

In response to argument 5), Examiner respectfully disagrees. Appellant appears to be arguing against the references individually. Appellant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). On page 13 of the Appeal Brief, Appellant specifically argues that applying the access control of Belani to Eder would produce a fatally flawed system because, "The user could alter the value of "Expense," but the value of "current-operation" would not be updated to reflect the new value because that user does not have permission to change

Art Unit: 3623

the “current-operation” variable.” However, Examiner submits that this viewpoint ignores Belani’s additional teaching, which addresses the second part of the access control limitation in the claims, which is that the access control is not only dependent on a level of the hierarchy the assumed variables are positioned in, but also on the user’s level of authorization. Belani teaches that ***a user typically belongs to one or more groups having positive and negative access rights to a particular resource*** (col. 9, lines 31-40; Figures 3 and 7) and that if a user’s access rights cannot be resolved based on the resource hierarchy information alone, then the access controller uses the user’s user hierarchy information to resolve any conflicting access rights issues (col. 3, lines 44-56), thus obviating Appellant’s argument that Belani’s access control is solely based on a level of the hierarchy the assumed variable is positioned in. Therefore, Examiner respectfully submits that the combination of Belani and Eder does produce a system that is operative.

In response to argument 6), Examiner respectfully disagrees. Essentially, claim 10 recites similar limitations to claim 1 except for using “real-time feedback” in place of “altering variables.” Examiner respectfully submits that there is no patentable distinction between a user providing real-time feedback versus a user altering a variable as both have a user submitting or editing data and because reciting something occurring in “real-time” does not hold patentable weight as “real-time” is a relative, subjective term. Accordingly, since Examiner has not given “real-time” any patentable weight, she respectfully submits the combination of Eder and Belani does teach claim 10.

In conclusion, Appellant's arguments have been fully considered, but are found unpersuasive.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


C. MICHELLE TARAE
PRIMARY EXAMINER

Conferees:


Vince Millin
Appeal Conference Specialist
3600


Jonathan Sterrett
Patent Examiner
Art Unit 3623